

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

**DEVON L. CHAMBERS,**

**Plaintiff,**

**v.**

**UNITED STATES OF AMERICA, on behalf  
of the UNITED STATES DEPARTMENT  
OF EDUCATION,**

**Defendant.**

**No. 4:24-CV-01516-CDP**

**UNITED STATES OF AMERICA’S MOTION TO DISMISS PLAINTIFF’S FIRST  
AMENDED COMPLAINT PURSUANT TO FED. R. CIV. P. 12(b)(6)**

COMES NOW Defendant, the United States of America, on behalf of the United States Department of Education (the “Department of Education”), by and through its attorneys, Sayler A. Fleming, United States Attorney for the Eastern District of Missouri, and Joshua M. Jones, Assistant United States Attorneys for said District, and for its Motion to Dismiss Plaintiff’s First Amended Complaint Pursuant to Fed. R. Civ. P. 12(b)(6), states as follows.

1. On November 13, 2024, Chambers filed a complaint naming the Department of Education as the sole defendant. Doc. 1. The gravamen of Chambers’ complaint is her allegation that the Department of Education violated the Fair Credit Reporting Act (the “FCRA”) by reporting to credit reporting agencies that she was responsible for repaying certain overpayments under the Pell Grant program. *Id.* at 1.

2. On March 25, 2025, the United States of America filed a motion to dismiss Chambers’ complaint pursuant to Fed. R. Civ. P. 12(b)(6), with an accompanying memorandum

of law. Docs. 14-15. In response, Chambers filed a First Amended Complaint on April 8, 2025.<sup>6</sup> Doc. 17.

3. The function of a Rule 12(b)(6) motion to dismiss for failure to state a claim upon which relief can be granted is to challenge the legal sufficiency of the allegations. *Young v. City of St. Charles, Mo.*, 244 F.3d 623, 627 (8th Cir. 2001). The plausibility standard is not akin to a probability requirement, but it asks for more than a sheer possibility that defendant has acted unlawfully. *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (internal quotations omitted). “[A] plaintiff’s obligation to provide the grounds of his entitlement to relief requires more than labels and conclusions.” *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555 (2007) (internal quotations omitted). “Where the allegations show on the face of the complaint there is some insuperable bar to relief, dismissal under Rule 12(b)(6) is appropriate.” *Benton v. Merrill Lynch & Co., Inc.*, 524 F.3d 866, 870 (8th Cir. 2008).

4. Here, this Court should dismiss Chambers’ complaint pursuant to Rule 12(b)(6) for several reasons.

- a. First, to support her FCRA claim, Chambers only alleges that (a) she never lived in California, and (b) she never attended Chaffey Community College. Fatal to her cause of action, Chambers does allege sufficient facts to demonstrate that this information was “objectively and readily verifiable.” *Roberts v. Carter-Young, Inc.*, 131 F.4th 241, 253 (4th Cir. 2025) (“factual allegations must also show that the inaccuracy or incompleteness is objectively and readily verifiable by the furnisher for the plaintiff’s claim to survive a Rule 12 motion”).

- b. Second, Chambers has failed to allege the necessary elements to seek punitive damages under the FCRA. *Bruce v. First U.S.A. Bank, Nat. Ass'n*, 103 F. Supp. 2d 1135, 1144 (E.D. Mo. 2000) (J. Perry) (“[t]o prevail on a claim for willful noncompliance with the FCRA and to recover punitive damages, a plaintiff must show that the defendant knowingly and intentionally committed an act in conscious disregard for the rights of others”).
- c. Third, Chambers’ claim of “emotional distress” is unsupported by sufficient factual allegations. *Cf. Reed v. Experian Info. Solutions, Inc.*, 321 F. Supp. 2d 1109, 1115 (D. Minn. 2004) (granting summary judgment to defendant in FCRA case) (quoting *Cousin v. Trans Union*, 246 F.3d 359, 371 (5th Cir. 2001)).

5. Pursuant to E.D. Mo. L.R. 4.01(A), the United States is filing a memorandum of law in support of this motion.

WHEREFORE, the United States prays this Court enter an order dismissing this lawsuit pursuant to Fed. R. Civ. P. 12(b)(6).

Respectfully submitted,

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United States Attorney

/s/ Joshua M. Jones

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**Certificate of Service**

The undersigned hereby certifies that on April 21, 2025, a copy of the foregoing was filed electronically using this Court's CM/ECF system, and therefore served on all parties of record.

/s/ Joshua M. Jones

Assistant United States Attorney